

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Establishment of Rules and Requirements For Priority Access Service)	WT Docket No. 96-86
)	
Revision of Rules and Requirements for Telecommunications Service Priority)	

REPLY COMMENTS OF VERIZON

AT&T responded to the Bureau’s invitation to refresh the record on NTIA’s 2018 rulemaking petition on Wireless Priority Service (“WPS”) by changing course to voice new concerns about the impact of the rules on its public safety communications services.¹ But other than a few minor differences and some changes responsive to Verizon’s recommendation that the WPS rules not prescribe particular technical standards, the draft WPS rules NTIA attached to its initial petition and to its July 2019 update are largely identical.² So, Verizon stands by our earlier comments. We agree, however, that any new WPS rules should preserve the priority and preemption capabilities of public safety communications services offered to government customers. And that includes services offered by all companies competing to serve these important customers.

¹ See AT&T Comments at 5-9; *Public Notice*, WT Docket No. 96-86, DA 19-723, at 2 (PSHSB 2019).

² Compare Ex Parte Comments of NTIA, at 2, n.4 and Attachment (July 17, 2019) and NTIA Petition for Rulemaking, WT Docket No. 96-86, Att.1 (July 9, 2018).

AT&T explains that current law “does not prohibit priority and preemption.”³ AT&T made this point in their original 2018 comments (and Verizon agreed).⁴ Indeed, Verizon and AT&T openly provide competitive service offerings with priority and preemption capabilities via their respective public safety networks and services.⁵ Any new rules should preserve all wireless providers’ ability to continue to provide these services, which enable first responders to both benefit from these advanced capabilities as well as directly from competition and innovation in the communications marketplace.

The Commission’s WPS rules and DHS’s underlying policies must apply with equal force to all participating wireless providers and in a competitively neutral manner.⁶ AT&T’s comments do not suggest otherwise, but to the extent the Commission modifies the rules to accommodate the public safety communications offerings AT&T provides on its own facilities, those same accommodations must be afforded to other WPS participant wireless providers as well. Otherwise, the Commission would favor a single provider of public safety communications services, thus undermining the benefits of competition and innovation for public safety users.

WPS and competitive public safety communications offerings need not conflict with one another. The different offerings serve related but not completely overlapping public safety

³ See AT&T Comments at 9 n.15.

⁴ See AT&T WPS Comments at 6-10 (Aug. 28, 2018); Verizon WPS Reply Comments at 1-2 (Sept. 7, 2018).

⁵ See, e.g., https://enterprise.verizon.com/solutions/public-sector/public-safety/response-solutions/?cmp=display:NA:public_safety_phase_2:html:awareness&dclid=COWu_ZSMxOQC FRKdyAodLsYE_w#responderprivatecore.

⁶ See Verizon WPS Reply Comments at 4-5.

objectives and users, and should exist side-by-side. For a number of years already, DHS and participating wireless providers, including AT&T and Verizon, have worked on the appropriate technical and other parameters for expanding WPS to LTE-based voice and data offerings, even as separate competitive LTE-based public safety communications offerings have continued to emerge and evolve separately. As the Commission clarified at the outset of the WPS program, because of its voluntary nature “carriers [may] limit [WPS] to a portion of their spectrum.”⁷ FirstNet's status as an independent legal authority and spectrum licensee dovetails--not conflicts--with this existing framework as AT&T is already free to tailor some of its own services to support FirstNet users while supporting WPS on the remainder of its network.⁸ AT&T's competitors likewise are free to do the same with their network and spectrum resources. So there is nothing about the FirstNet statutory framework that conflicts with an enhanced WPS program, and any accommodations made for AT&T in the WPS program must be provided to its competitors as well.

⁷ *The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, Establishment of Rules and Requirements For Priority Access Service*, 15 FCC Rcd 16720, ¶ 18 (2000).

⁸ It is self-evident that the WPS program should not “usurp the function assigned by Congress to FirstNet.” AT&T Comments at 9. But in doing so the Commission must not conflate FirstNet’s authorized functions with the business decisions of its commercial partner. For example, while AT&T objects to NTIA’s proposed changes to priority level descriptions, *id.* at 8-9, it was AT&T—not FirstNet—that decided which users should be eligible for priority. *See AT&T officials shed light on ‘extended primary’ category of FirstNet users, prioritization details*, URGENT COMMUNICATIONS (March 6, 2018) (quoting Chris Sambar, AT&T Senior VP, “The definition of primary and extended primary was not a hard-and-fast definition in the contract—purposely—and we’re kind of learning as we go” and “[w]e keep getting different [extended-primary] uses every day”), <https://urgentcomm.com/collections/att-officials-shed-light-on-extended-primary-category-of-firstnet-users-prioritization-details/>.

Modernizing the Commission's WPS rules can and should preserve the benefits of competition and innovation for public safety communications users. We look forward to working with the Commission, NTIA, DHS, and other WPS participants to achieve those goals.

Respectfully submitted,

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